



The State of Federal Facilities

**An Overview of Environmental
Compliance at Federal Facilities
FY 1999-2000**

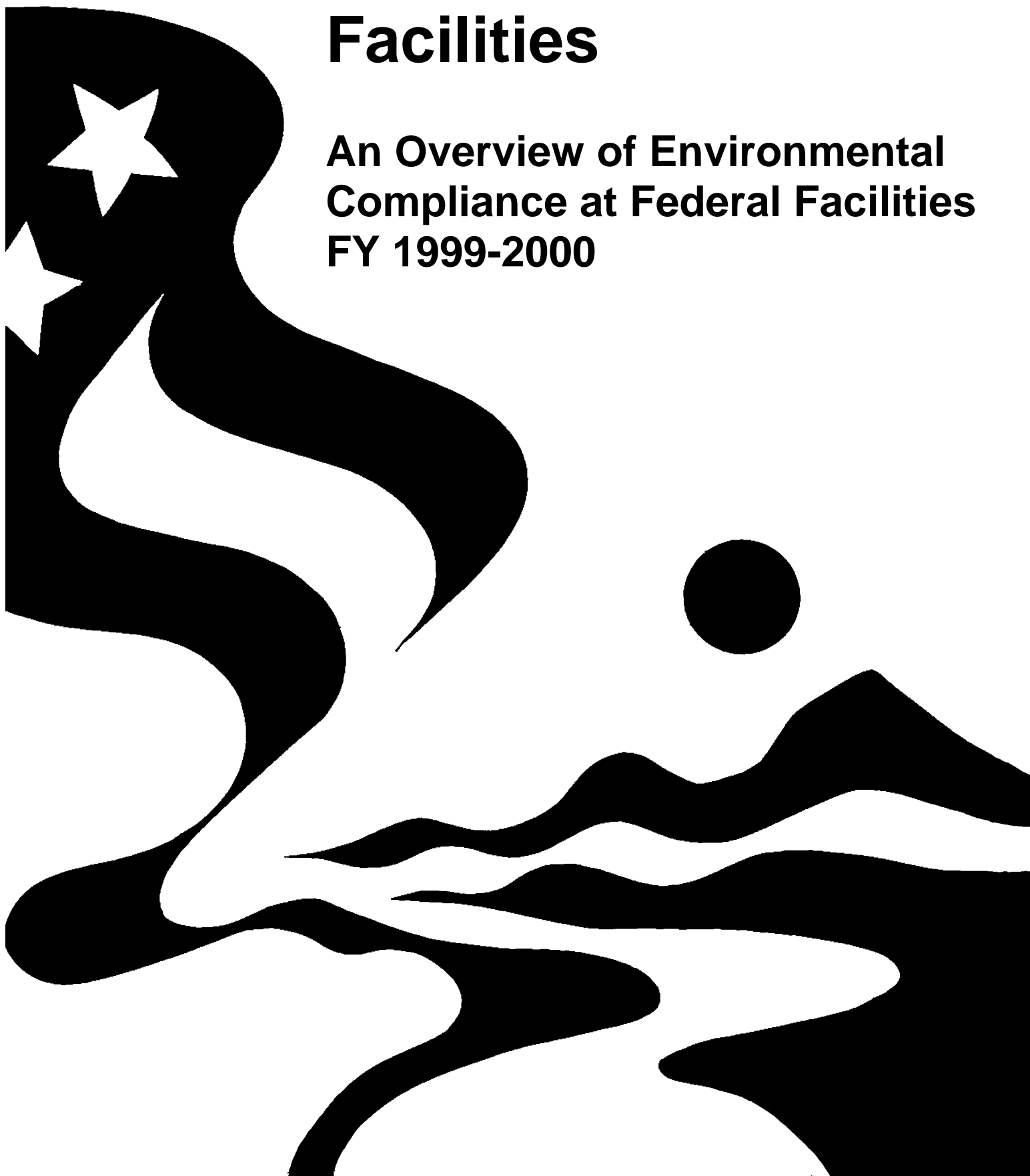


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ACRONYMS

<u>Acronym</u>	<u>Definition</u>
AIRS	Aerometric Information Retrieval System
CAA	Clean Air Act
CEI	Compliance Evaluation Inspection
CFA	Civilian Federal Agency
CWA	Clean Water Act
CWS	Community Water System
DOD	Department of Defense
DOE	Department of Energy
EPCRA	Emergency Planning and Community Right-to-Know Act
FFCA	Federal Facility Compliance Act (Agreement)
FFEO	Federal Facilities Enforcement Office
FFPMs	Federal Facilities Program Managers
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FUDS	Formerly Used Defense Site
GOCO	Government-Owned Contractor-Operated
IDEA	Integrated Database for Enforcement Analysis
HAP	Hazardous Air Pollutant
JOCO	Jointly-Owned Contractor-Operated
LQG	Large Quantity Generator
NAAQS	National Ambient Air Quality Standards
NCDB	National Compliance Database
NESHAPs	National Emissions Standards for Hazardous Air Pollutants
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NSPS	New Source Performance Standards

<u>Acronym</u>	<u>Definition</u>
NSR	New Source Review
NTNCWS	Non-Transient Non-Community Water System
OECA	Office of Enforcement and Compliance Assurance
PCS	Permit Compliance System
POGO	Privately-Owned Government-Operated
PWS	Public Water System
PWSS	Public Water System Supervision
RCRA	Resource Conservation and Recovery Act
RCRAInfo	RCRA Information System
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SEPs	Supplemental Environmental Projects
SIC	Standard Industrial Classification
SNC	Significant Noncompliance (Noncomplier)
SQG	Small Quantity Generator
TNCWS	Transient Non-Community Water System
TRI	Toxics Release Inventory
TRIS	Toxics Release Inventory System
TSCA	Toxic Substances Control Act
TSDF	Treatment, Storage, and Disposal Facility

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I. INTRODUCTION

EPA's Federal Facilities Enforcement Office (FFEO), within the Office of Enforcement and Compliance Assurance (OECA), periodically assesses federal facility performance with respect to environmental statutes and programs. The last assessment, *The State of Federal Facilities: An Overview of Environmental Compliance at Federal Facilities, FY 1997-98*, was published in January 2000. This *State of Federal Facilities* report examines federal facility environmental performance during FY 1999 and FY 2000. Where appropriate and when data are comparable, this report also examines pre-FY 1999 data.

Federal facilities are generally subject to the same environmental statutes and regulations as commercial entities. EPA, in conjunction with the states, has oversight responsibility for federal facility environmental programs. To fulfill its oversight responsibility, FFEO conducts a broad range of activities, including:

- Compliance oversight and enforcement;
- Training and compliance assistance; and
- Reviews of federal agency environmental plans and programs.

Through its network of Regional Federal Facilities Program Managers (FFPMs) and state contacts, FFEO works with appropriate facility personnel to ensure that they take the necessary actions to prevent, control, and abate environmental pollution.

Environmental Requirements

Environmental requirements potentially affecting federal facilities range from federal statutes and their implementing regulations to state and local laws and ordinances. This report summarizes federal facility data during FY 1999 and FY 2000 with respect to the following seven major environmental statutes and programs:

- ***Resource Conservation and Recovery Act (RCRA)*** – RCRA Subtitle C and its associated amendments regulate the generation, transport, storage, treatment, and final disposal of hazardous waste.
- ***Clean Water Act (CWA)*** – Under the CWA, EPA or approved states issue National Pollutant Discharge Elimination System (NPDES) permits that establish effluent limits for all municipal and industrial wastewater discharges.
- ***Clean Air Act (CAA)*** – The CAA authorizes EPA to establish emission control standards to achieve the air quality goals set forth in the National Ambient Air Quality Standards.

- ***Safe Drinking Water Act (SDWA)*** – The Public Water System Supervision (PWSS) program authorized by SDWA enables EPA to set standards to control both man-made and naturally occurring contaminants. In most cases, states have primary responsibility for oversight and enforcement under SDWA.
- ***Toxic Substances Control Act (TSCA)*** – Under TSCA, EPA identifies and controls the manufacture, process, distribution, use, and disposal of existing and new chemical substances and mixtures.
- ***Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)*** – Under FIFRA, EPA has the authority over the sale, distribution, and use of pesticide products.
- ***Toxics Release Inventory (TRI)*** – Under §313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA provides information about toxic chemicals to the public through an annual report of releases of such chemicals by industrial and other facilities.

The information contained in this report is drawn from many sources within and across the various EPA environmental program offices. The starting point for the analysis is the **Integrated Database for Enforcement Analysis (IDEA)**, which is a mainframe information management system that draws upon several other EPA databases, including:

- ***RCRAInfo*** – Replaces the data recording and reporting abilities of the Resource Conservation and Recovery Act Information System (RCRIS) and the Biennial Reporting System (BRS). The new system allows cradle-to-grave waste tracking of many types of information about the regulated universe of RCRA hazardous waste handlers.
- ***PCS*** – The Permit Compliance System tracks EPA Regional and state compliance and enforcement data for the NPDES program under the CWA.
- ***AIRS*** – The Aerometric Information Retrieval System manages aerometric compliance data on point sources tracked by EPA, state, and local governments in accordance with the CAA.
- ***NCDB*** – The National Compliance Database is the national repository for compliance and enforcement data collected by EPA under FIFRA, TSCA, and EPCRA §313.

In addition, this report also presents data from the following “stand alone” systems:

- ***SDWIS*** – The Safe Drinking Water Information System is a national database that tracks public water supply system compliance and enforcement data collected by EPA Regions and states under the PWSS program of SDWA.
- ***TRIS*** – The Toxics Release Inventory System tracks releases of chemicals listed in the TRI according to chemical type, quantity, and nature of the release.
- ***Enforcement Docket*** – The Civil Enforcement Docket is a case activity tracking and management system for civil, judicial, and administrative federal EPA enforcement cases.

Organization of the Report

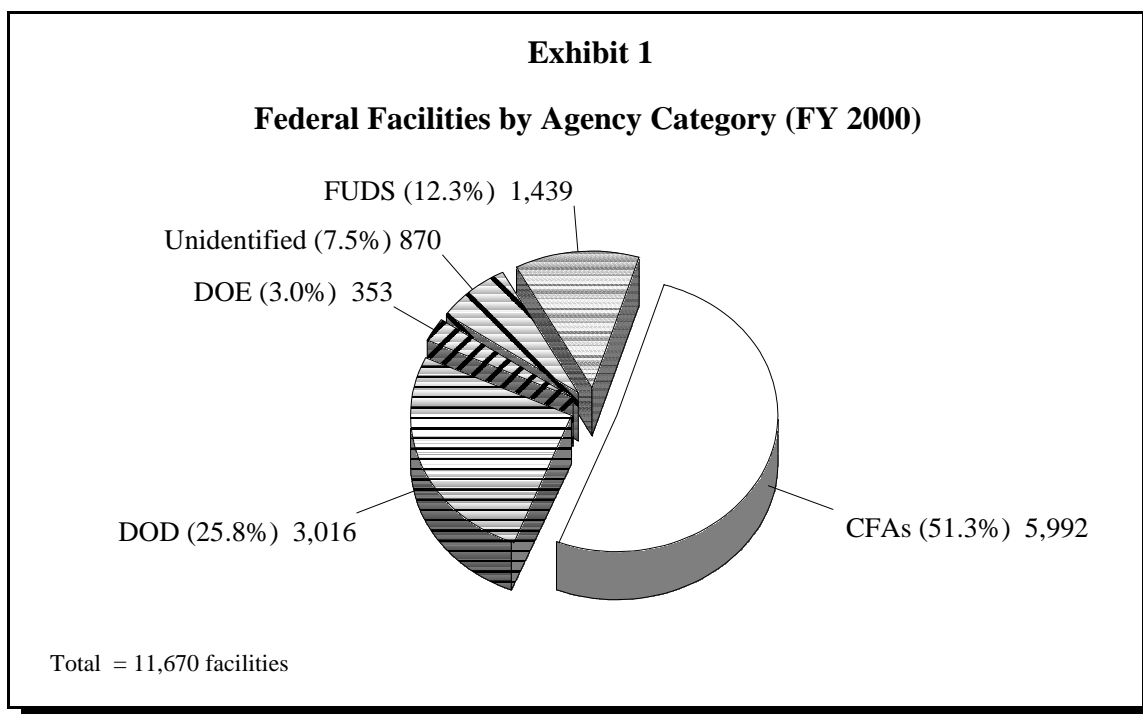
This report is organized according to a multi-media approach in which the data are intended to address the following basic questions:

- What is the universe of federal facilities that are regulated/affected under each of the environmental programs? (Section II – Regulated Universe)
- What is the level of inspection activity at federal facilities for each of the environmental programs? (Section III – Inspections)
- What are the current trends in compliance? (Section IV – Compliance Rates)
- What actions are taken to address noncompliance? (Section V – Enforcement Actions)

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II. REGULATED UNIVERSE

Although all federal facilities are potentially subject to environmental regulations, most are not involved in activities that would normally trigger compliance requirements. According to IDEA, there are approximately 11,700 federal facilities that engage in some type of activity directly affected by environmental requirements under RCRA, CAA, CWA/NPDES, or TSCA/FIFRA/EPCRA §313.¹ These facilities can be grouped into five broad categories – Department of Defense (DOD), Department of Energy (DOE), Civilian Federal Agencies (CFAs), Formerly Used Defense Sites (FUDS), and unidentified federal facilities (**Exhibit 1**).



Note: Differences in the universe of federal facilities relative to the FY 1997-98 *State of Federal Facilities* report are primarily due to: (1) removal of facilities located in foreign lands, (2) removal of approximately 4,800 outdated “facilities” in the Federal Facilities Information System, and (3) an increase in the number of RCRA handlers identified during the conversion from RCRIS to RCRAInfo.

DOD and DOE facilities typically include large installations (e.g., military bases, storage depots), manufacturing/fabrication plants, and laboratories/research facilities. The universe of CFA facilities is somewhat more diverse and includes organizations such as the Department of the Interior, General Services Administration, Department of Justice, Tennessee Valley Authority, Environmental Protection Agency, and many others.

¹ IDEA-based facility totals do not include federally-owned public water supply systems in SDWIS.

Exhibit 2 presents a regional breakdown of federal facilities. EPA Region 2 possesses the greatest number of federal facilities (roughly 16 percent of the total), while Region 1 has the fewest (less than four percent). Regions 4 and 5 each contain approximately 13 percent of the federal facility universe and Regions 3 and 10 each contribute another 11 to 12 percent.

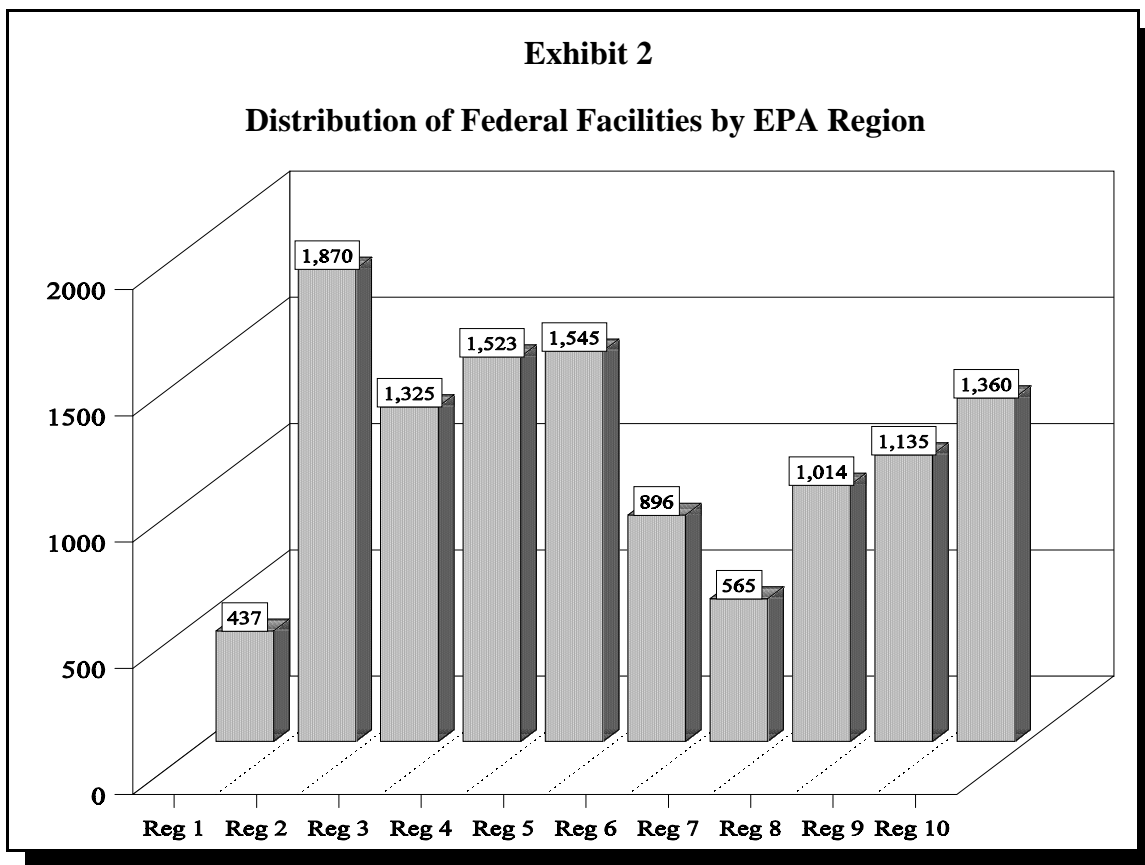
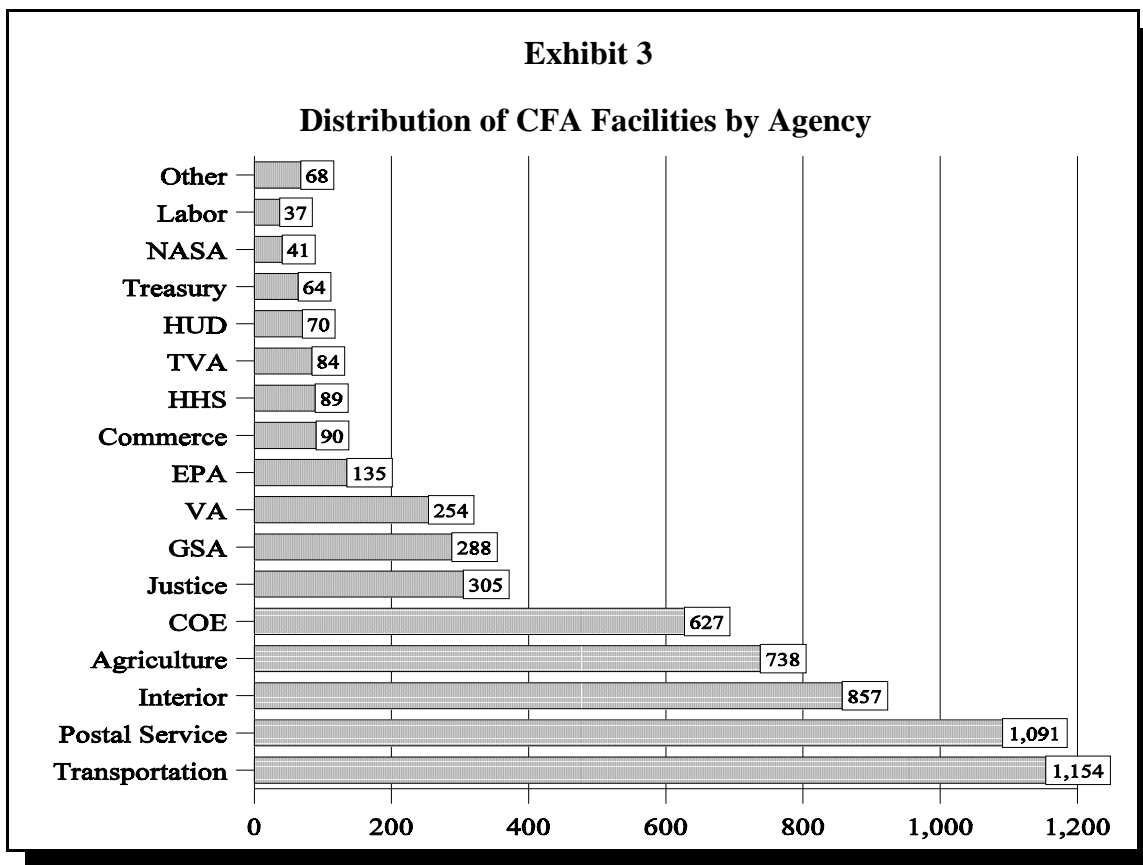


Exhibit 3 shows the distribution of CFA facilities according to individual agencies. Department of Transportation facilities comprise the largest single share (19 percent) of all CFAs, followed by the Postal Service (18 percent), the Department of Interior (14 percent), the Department of Agriculture (12 percent), and the Corps of Engineers (11 percent).



Note: Differences in the distribution of CFA facilities relative to the FY 1997-98 *State of Federal Facilities* report are due to the removal of outdated facility information in the Federal Facilities Information System and the addition of RCRA handlers identified during the conversion from RCRIS to RCRAInfo.

Missions of the Federal Agencies

DOD is charged with defending the interests of the United States anywhere in the world. As such, DOD maintains thousands of installations to provide the necessary infrastructure for the armed services to meet this mission. Installations range in size from a few acres to thousands of square miles; their missions range from logistics and training to manufacturing and rebuilding aircraft and ships. Many of these installations are the equivalent of small cities, and thus they possess all of the infrastructure (e.g., hospitals, sewage treatment plants, roads, airports) associated with city environments. Much of the support activity associated with DOD's mission is industrial; therefore, DOD installations face compliance issues relating to air and water pollution and solid/hazardous waste generation.

DOE is involved in electric power generation and transmission, fuel research, petroleum storage, and nuclear weapons research and production. Many of DOE's approximately 350 installations are dedicated to laboratory research. DOE laboratories work on a variety of issues including solar energy, battery development, energy transmission methods, atomic energy, fossil fuels, and nuclear weapons. Some laboratories are located on large compounds such as Savannah River, Los Alamos, and Oak Ridge, while others are part of university systems such as the Fermi Lab in Chicago. Like DOD, the large-scale manufacturing and industrial nature of many DOE activities presents DOE with a broad range of environmental compliance issues.

CFA facilities range in size and scope from single-purpose buildings to extensive multi-purpose compounds. Activities include vehicle fleet management, construction, facility operation, scientific and medical research, materials storage and shipment, and many others. On an individual facility basis, many CFA facilities have few environmental concerns; however, because of the diversity of CFA activities, as a group, they face environmental compliance issues as extensive as those faced by DOD and DOE facilities.

When discussing the entire community of federal facilities, it is important to recognize that not all federal facilities are owned and/or operated by the federal government. At numerous federal facilities and on many public lands, a private party or private parties are involved. Thus, in addition to traditional government-owned government-operated facilities, the federal facility community includes government-owned contractor-operated (GOCO) facilities, privately-owned government-operated (POGO) facilities, jointly-owned and contractor-operated (JOCO) facilities, as well as many other ownership/operating arrangements.

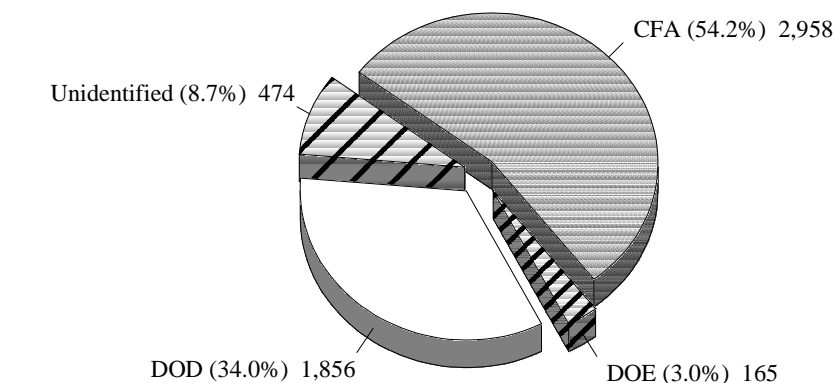
RCRA Universe

At the end of FY 2000, the database that tracked RCRA compliance (RCRIS) was replaced by a new system (RCRAInfo). As a result of this upgrade, a very large number of new RCRA ID numbers entered the system. The vast majority of these were maintained at the state level, but were formerly not included in the national database from which previous *State of Federal Facilities* counts were drawn. In FY 2000, of the more than 590,000 IDs in the RCRA universe – compared to approximately 315,000 in FY 1998 – nearly 209,000 were RCRA handlers (i.e., treatment, storage and disposal facilities (TSDFs), large and small quantity generators, transporters, and non-notifiers).² The number of federal RCRA handlers in FY 2000 was 5,453³ and the number of non-federal RCRA handlers in FY 2000 was 203,238.

As shown in **Exhibit 4**, in FY 2000, 34 percent of the federal RCRA handlers are DOD facilities, three percent are DOE facilities, 54 percent are CFA facilities, and approximately nine percent are unidentifiable by agency category.

² The other RCRA IDs are assigned to the RCRA permitting, closure, post-closure, and corrective action universes, or are otherwise not categorized.

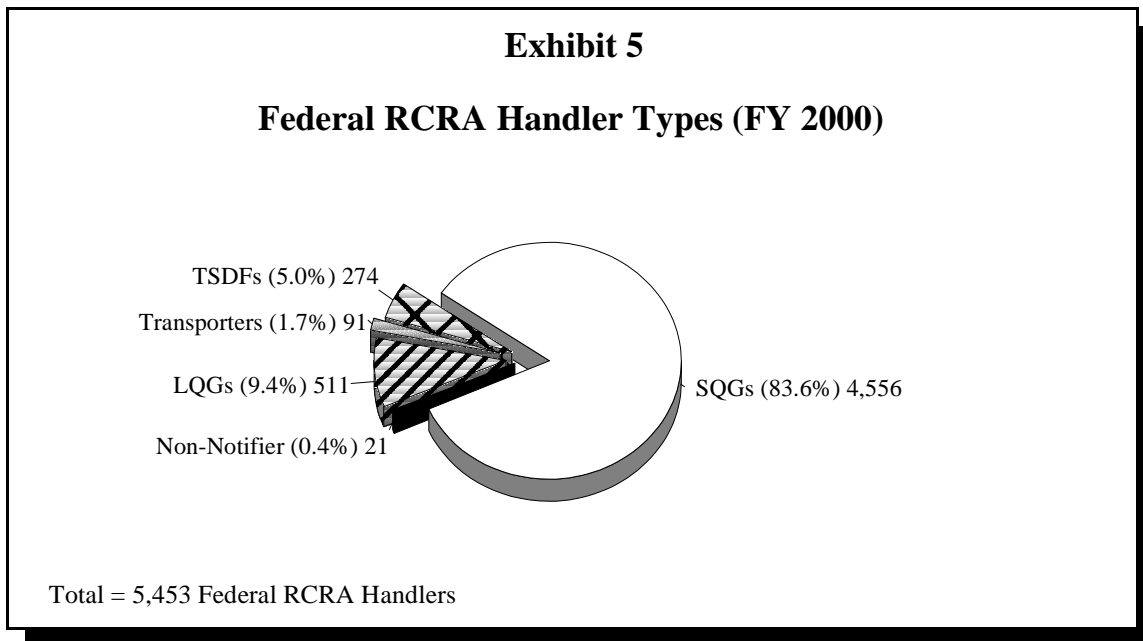
³ In FY 1998, the corresponding figure was 3,637.

Exhibit 4**Universe of Federal RCRA Handlers by Agency Category (FY 2000)**

Total = 5,453 Federal RCRA Handlers

RCRA handlers can be divided into three types: generators, transporters, and treatment, storage, and disposal facilities (TSDFs). Generators of RCRA-regulated waste must obtain an EPA ID number; prepare hazardous waste for transport; and comply with the accumulation and storage, record keeping, and reporting requirements. They are also responsible for tracking waste through a manifest system. The manifest system creates a written record of the chain-of-custody from the time a waste leaves a generator until it reaches its final disposal site. Transporters must obtain an EPA ID number, comply with the manifest system, and address any hazardous waste discharges. TSDFs are subject to record keeping and reporting requirements and technical standards covering treatment and disposal methods, as well as the location, construction, and operation of disposal sites. Finally, both generators and TSDFs may be subject to land disposal restrictions requiring treatment of the waste before it is land-disposed. In addition, a small number of facilities are classified as non-notifiers. Non-notifiers are RCRA facilities that have been identified through sources other than regular reporting and are suspected of engaging in RCRA-regulated activities without proper authority.

As shown in **Exhibit 5**, large and small quantity generators (LQGs and SQGs) make up the largest share of federal RCRA handlers (93 percent), followed by TSDFs and transporters (five percent and two percent respectively). The TSDF universe is used to develop the compliance indicator for RCRA presented in Section IV of this report.

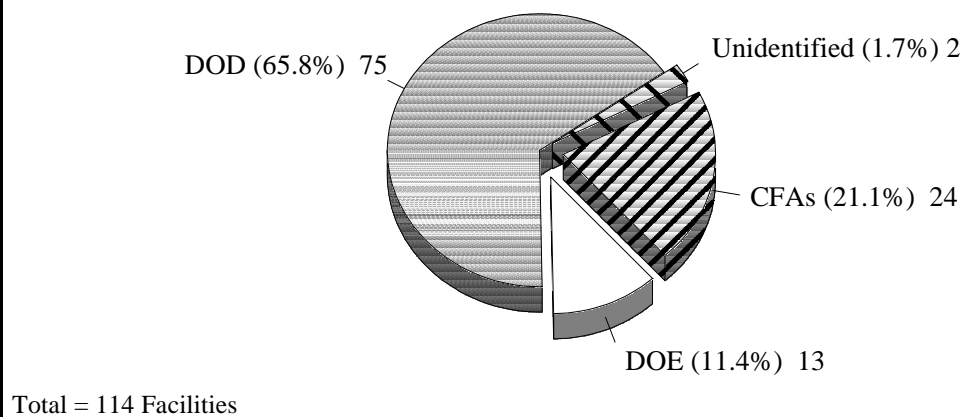


CWA Universe

Under the CWA, all point source dischargers of wastewater, including federal facilities, must submit an application for a NPDES permit. NPDES permits may contain water quality-based and/or technology-based standards for effluent discharges, compliance schedules, and monitoring/reporting requirements.

Major (versus minor) NPDES facilities are defined as those that contribute a larger and/or more environmentally harmful share of pollutants discharged to surface waters.

At the end of FY 2000, federal facilities comprised approximately 1.6 percent (114) of the total universe of 6,910 major facilities regulated under the NPDES program. As shown in **Exhibit 6**, of these 114 facilities, 66 percent were DOD, 11 percent were DOE, and 21 percent were CFA facilities. The universe of NPDES majors is used to develop the CWA compliance indicator presented in Section IV.

Exhibit 6**Major Federal NPDES Facilities by Agency Category (FY 2000)****CAA Universe**

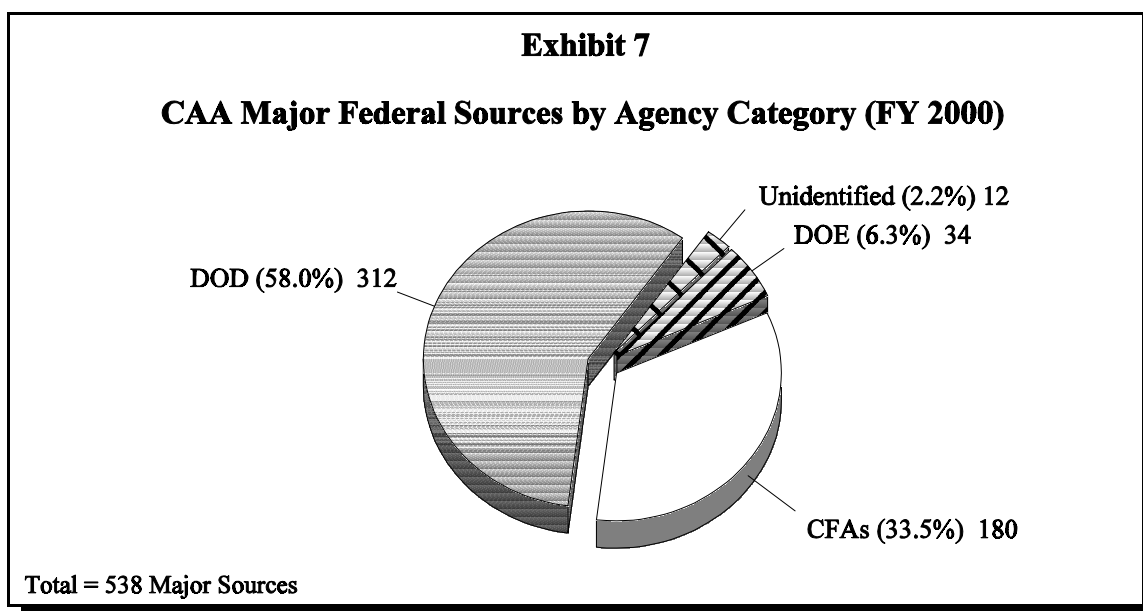
To meet EPA's National Ambient Air Quality Standards (NAAQS), states typically require new sources of air pollution to obtain preconstruction permits. The type and level of control required by the permit depends on the attainment status of the area, which is based upon air quality with respect to six criteria pollutants (CO, SO₂, NO_x, volatile organic compounds, particulate matter, and lead). Areas meeting the NAAQS are considered in "attainment," while areas not meeting the NAAQS are in "nonattainment." Federal sources wishing to begin construction in nonattainment areas must go through the construction permit review process under the New Source Review (NSR), which allows for industrial growth (i.e., new sources) if stringent requirements are met, including emissions offsets, state-wide compliance for all sources, public notification, and installation of control equipment to meet the Lowest Achievable Emission Rate. If the federal source is to be located within an attainment area, the permit review process falls under Prevention of Significant Deterioration requirements, which require installation of the Best Available Control Technology, establishment of maximum allowable emissions increases or increments, performance of impact analyses by source, and notification of the public.

Federal sources, depending on the nature and size of their operations, also may be subject to technology-based New Source Performance Standards (NSPS) for new,

Major CAA Sources emit pollutants in such magnitude as to be subject to operating permit requirements (see Title V of the CAA). For purposes of the *State of Federal Facilities* report, however, the term "major" refers to all "federally reportable" sources, which includes sources subject to operating permit requirements plus those with emissions just below permit-requiring thresholds.

modified, or reconstructed stationary sources; health-based National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for new and existing sources within specific categories; and/or Title V requirements designed to address all sources of emissions at a facility under a single permit.

In FY 2000, of the 54,208 major sources (i.e., exceeding federally reportable thresholds) regulated under all programs within the CAA, 538 (one percent) were federal sources. As shown in **Exhibit 7**, 58 percent of these federal sources were DOD, six percent were DOE, 34 percent were CFAs, and two percent were unidentifiable by agency category. The universe of CAA major sources is used to develop the CAA compliance indicator presented in Section IV.



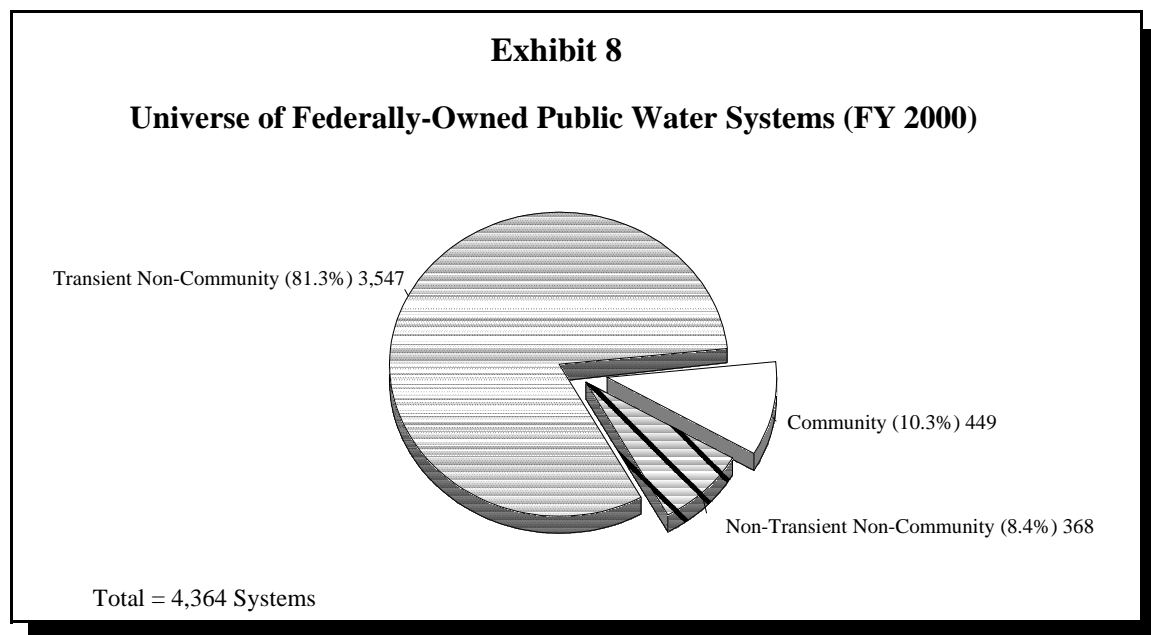
SDWA/PWSS Program Universe

Federally-owned public water supply systems comprised approximately 2.6 percent (4,364 of 168,018) of the total universe of systems regulated under the PWSS program. The vast majority of these federal systems are owned by CFAs, in particular, the U.S. Forest Service within the Department of Agriculture.

Under the SDWA/PWSS program, the definition of a public water system is “a water system providing water for human consumption through constructed conveyances to at least 15 service connections or an average of 25 individuals daily at least 60 days per year.” EPA has interpreted the term human consumption to include drinking, bathing, showering, cooking, dishwashing, and maintaining oral hygiene. As shown in **Exhibit 8**, there are three types of public water systems:

- Community Water Systems (CWS) serve at least 15 service connections used by year-round residents of an area or regularly serves at least 25 year-round residents for 60 days or more per year. The remaining two types of systems are considered non-community water systems because they do not provide water to more than 15 residences year-round.
- Transient Non-Community Water Systems (TNCWS) serve transient or seasonal customers in locations such as campgrounds, motels, and gasoline stations.
- Non-Transient Non-Community Water Systems (NTNCWS) regularly serve at least 25 of the same non-resident people per day for at least six months of the year. Examples of NTNCWS include schools, factories, hospitals, and other facilities that have their own water supplies.

The universe of federally-owned public water systems is used to develop the SDWA compliance indicator presented in Section IV.



TSCA and FIFRA Universe

TSCA and FIFRA are not permit-based compliance programs like NPDES. The number and identity of facilities subject to TSCA or FIFRA may change substantially from year to year. As a result, there are no readily definable TSCA or FIFRA universes. Federal facilities subject to TSCA or FIFRA are identified and targeted for inspections through a variety of less formal means, including self-reporting by entities of their intent to manufacture regulated substances, third-party requests/complaints, and EPA/state evaluation of publicly available data.

EPCRA/TRI Universe

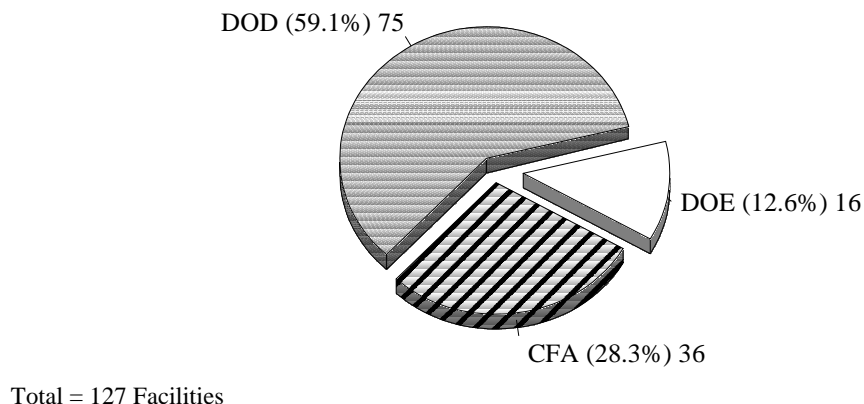
Established under §313 of the Emergency Planning and Community Right-to-Know Act of 1986, the TRI is a publicly available database containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities. In the private sector, a facility must report to the TRI if it meets the following criteria:

- The facility conducts manufacturing activities within Standard Industrial Classification (SIC) codes 20 - 39, and beginning in the 1998 reporting year, if it falls into one of the following categories: metal mining, coal mining, electric utilities burning coal and/or oil, chemical wholesale distributors, petroleum terminals and bulk storage facilities, RCRA Subtitle C TSDFs, and solvent recovery services;
- The facility has ten or more full-time employees; and
- The facility manufactures and/or processes listed chemicals in excess of 25,000 pounds per year or otherwise uses 10,000 pounds per year of each listed chemical.

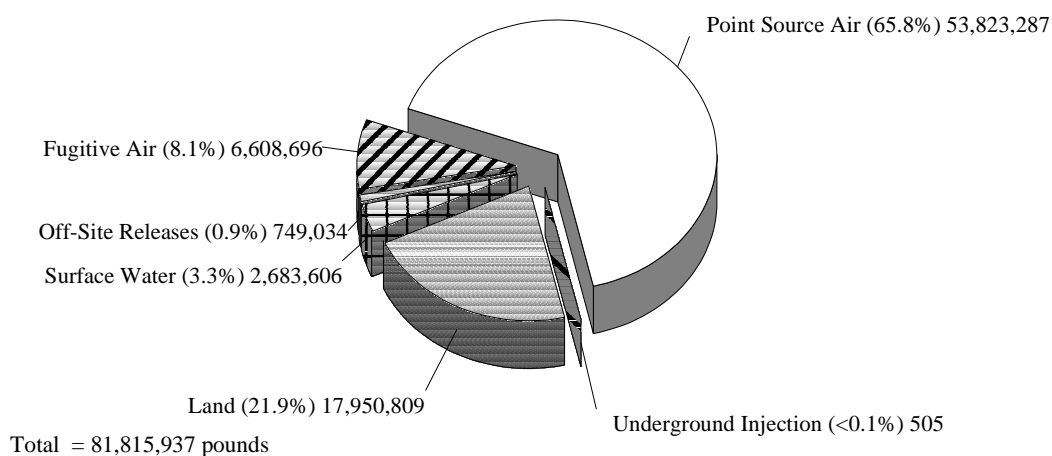
Federal facilities have been required to report since the 1994 reporting year, regardless of their SIC classification, although DOE facilities began reporting a year earlier.

For 1999⁴, the most recent year for which data are available, there were 127 federal facilities that submitted a total of 507 forms under the TRI program. As shown in **Exhibit 9**, most of those reporting were DOD facilities (59 percent). The addition of new industry categories subject to TRI reporting (see first bullet above) resulted in an increase in both the number and share of CFA facilities reporting (28 percent). The addition of these facilities also resulted in a dramatic increase in reported releases (**Exhibit 10**). The most common CFA agency affiliations were TVA, Treasury Department, and Department of the Interior. DOE facilities accounted for slightly less than 13 percent of federal TRI reporters.

⁴ TRI data are reported on a calendar year basis.

Exhibit 9**Universe of Federal Facilities Reporting under TRI (1999)**

TRI releases at federal facilities have increased more than ten-fold since the 1997 reporting year. This increase is primarily due to the inclusion of TVA facilities under the new industry reporting requirements (added in 1998). TVA facilities reported nearly 70 million pounds of releases in 1999. As shown in **Exhibit 10**, federal facilities reported on- and off-site releases of nearly 82 million pounds of TRI chemicals in 1999. The majority of these were comprised by point source air releases (66 percent). Releases to surface water and land comprised an additional three percent and 22 percent respectively.

Exhibit 10**TRI On-Site and Off-Site Releases at Federal Facilities (1999)**

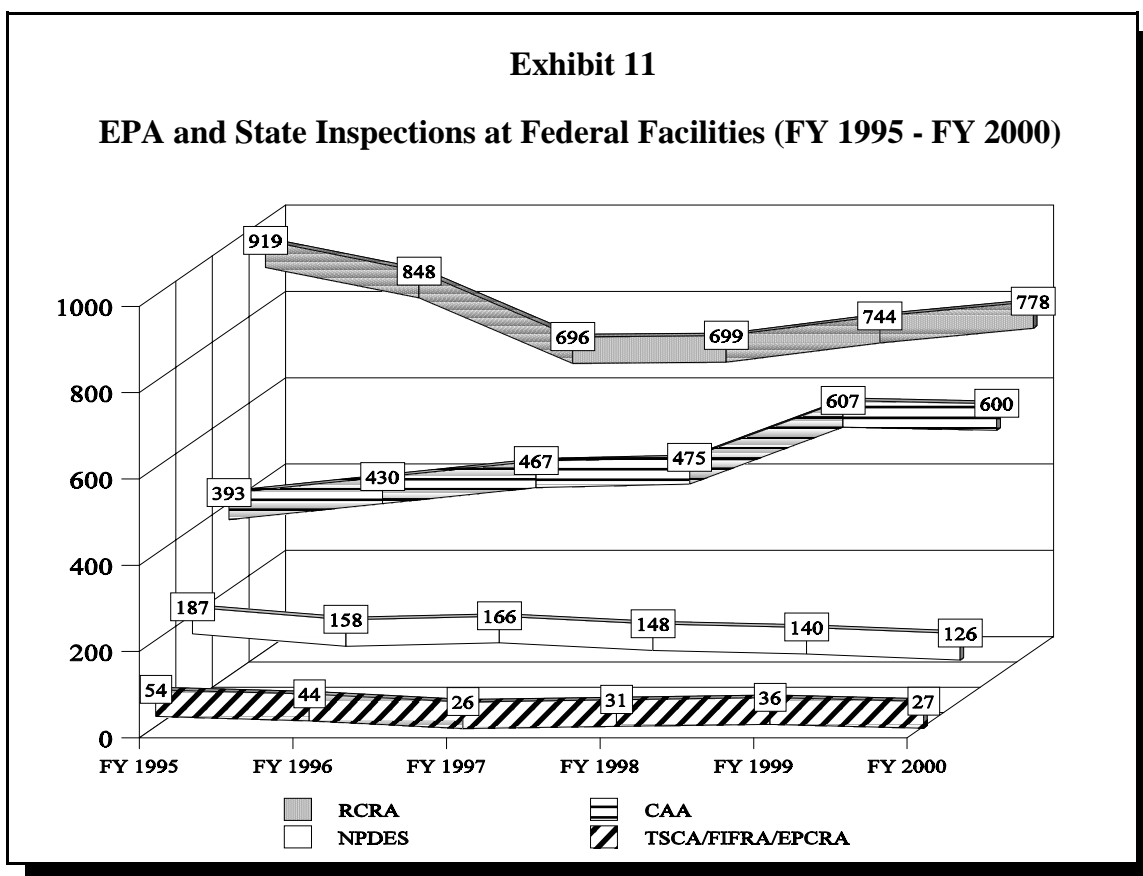
Documentation for Exhibits in this Section

Exhibit Title	Information Source	Date of Data Pull	Comments
Federal Facilities by Agency Category	IDEA	Various	--
Distribution of Federal Facilities by EPA Region	IDEA	Various	--
Distribution of CFA Facilities by Agency	IDEA	Various	--
Universe of Federal RCRA Handlers by Agency Category	IDEA	2/13/01	--
Federal RCRA Handler Types	IDEA	2/13/01	--
Major Federal NPDES Facilities by Agency Category	IDEA	11/28/00	--
CAA Major Federal Sources by Agency Category	IDEA	11/28/00	--
Universe of Federally-Owned Public Water Systems	SDWIS	12/22/00	--
Universe of Federal Facilities Reporting under TRI	TRIS	5/1/01	Data derived from direct download from TRIS and 1999 TRI Public Data Release report.
TRI On-Site and Off-Site Releases at Federal Facilities	TRIS	6/1/99	Data derived from direct download from TRIS and 1999 TRI Public Data Release report.

III. INSPECTIONS

EPA and states monitor activities at federal facilities to determine whether they are in compliance with environmental laws and regulations. Compliance monitoring also enables EPA to measure and track performance over time and to identify potential problem areas and compliance assistance opportunities. Most environmental programs rely on some form of facility inspection as the principal tool for determining compliance. The level of effort associated with these inspections varies, depending on the specific requirements addressed, the size and complexity of the facility's operations, and the type and amount of data required to assess compliance.

Exhibit 11 shows the total number of EPA and state inspections at federal facilities for RCRA, NPDES, CAA, and TSCA/FIFRA/EPCRA §313 for FY 1995 thru FY 2000. NPDES and TSCA/FIFRA/EPCRA inspections have exhibited a fairly steady decline since FY 1995. RCRA inspections, although having rebounded from their FY 1997 level, also have declined by more than 15 percent relative to FY 1995. In contrast, CAA inspections increased by more than 50 percent over the same period. The number of SDWA/PWSS inspections is not reported in the federal SDWIS database and therefore is not presented in this report.



As shown in **Exhibit 11**, the total number of inspections was virtually unchanged between FY 1999 (1,527 inspections) and FY 2000 (1,531 inspections). More than 60 percent of the inspections occurred at DOD facilities. Inspections at CFAs comprised approximately 25 and 21 percent of the total, while DOE facilities received roughly 10 and 15 percent in FY 1999 and FY 2000, respectively. The following media-specific inspection summaries present inspection data by type (where appropriate), lead, and agency category.

RCRA Inspections

To assess compliance with RCRA requirements, EPA inspectors conducted 134 and 112 inspections at federal facilities in FY 1999 and FY 2000. The totals for state-led inspections were 610 and 666, for an overall total of 744 in FY 1999 and 778 in FY 2000. DOD facilities received 469 RCRA inspections in FY 1999 and 474 in FY 2000, while CFA facilities received 167 and 147. The inspection totals for DOE facilities over the same period were 87 and 128, respectively. The remaining inspections occurred at federal facilities that were unidentifiable by agency category.

RCRA inspections range in intensity from comprehensive compliance evaluation inspections (CEI) to fairly basic record reviews. CEIs remain the most common form of RCRA inspection, accounting for 63 and 67 percent of inspections at federal facilities during FY 1999 and FY 2000. Record reviews accounted for 11 and nine percent of inspections in FY 1999 and FY 2000, respectively. The remainder consisted of a variety of other inspection types (e.g., corrective action oversight, case development, compliance schedule, operations and maintenance, multi-media).

CWA/NPDES Inspections

Implementation responsibility for the NPDES program lies primarily with the states. As a consequence, more than 86 percent of NPDES inspections conducted at major federal facilities during FY 1999 and FY 2000 were led by states. In FY 1999, states performed 128 inspections versus 12 by EPA. In FY 2000, states performed 109 inspections versus 17 by EPA. Thus, the total number of inspections in FY 1999 was 140 and in FY 2000 it was 126. DOD facilities received 92 and 74 inspections in FY 1999 and FY 2000; CFA facilities received 25 and 22 inspections; and DOE facilities received 23 and 30 inspections over the same period.

CAA Inspections

EPA and state inspectors conducted 607 CAA inspections of major federal sources during FY 1999 and 600 in FY 2000. States continued to take a lead role on the majority of CAA inspections (556 state-led inspections versus 51 by EPA in FY 1999 and 562 state-led inspections versus 38 by EPA in FY 2000). DOD facilities received 390 inspections in FY 1999 and 383 in FY 2000. CFA facilities received 173 and 150 inspections over the same period, while DOE facilities received 35 and 61. The remaining inspections occurred at federal facilities that were unidentifiable by agency category.

SDWA/PWSS Inspections

The number of SDWA/PWSS inspections is not reported in the federal SDWIS database and therefore is not presented in this report.

TSCA, FIFRA, and EPCRA §313 Inspections

The number of TSCA inspections conducted at federal facilities decreased from 30 in FY 1999 to 22 in FY 2000. Most inspections (23 of 30 in FY 1999 and 19 of 22 in FY 2000) were led by EPA. The number of FIFRA inspections conducted at federal facilities remained very small; two inspections occurred during both FY 1999 and FY 2000. All FIFRA inspections were led by EPA.

In addition to the standard chemical use reporting requirements of EPCRA §313 (i.e., the TRI program), EPA conducts a limited number of EPCRA inspections at reporting federal facilities. These inspections typically involve record reviews, although the process of verifying the accuracy of TRI reporting may involve some on-site field evaluations. During FY 1999 and FY 2000, there were four and three EPCRA §313 inspections, respectively, conducted at federal facilities. EPA Regions acted as the lead on all EPCRA §313 inspections. The total for TSCA, FIFRA, and EPCRA §313 inspections was 36 (seven state-led) in FY 1999 and 27 (three state-led) in FY 2000. DOD facilities received 25 of these inspections in FY 1999 and 10 in FY 2000. CFA facilities received nine in FY 1999 and 12 in FY 2000, while DOE facilities received two in FY 1999 and three in FY 2000. During FY 2000, two inspections occurred at federal facilities that were unidentifiable by agency category.

Documentation for Exhibits in this Section

Exhibit Title	Information Source	Date of Data Pull	Comments
EPA and State Inspections at Federal Facilities (FY 1995 - FY 2000)	IDEA	Various	--

IV. COMPLIANCE RATES

Federal facility compliance with environmental requirements can be measured in many ways, ranging from the percentage of facilities cited for any violation, regardless of its severity, to the percentage of facilities repeatedly cited for significant noncompliance. In other words, there is no single universally accepted measure of compliance for all environmental programs. Moreover, variations in how EPA and states define and measure compliance under different environmental programs make comparisons across programs difficult. However, evaluating narrowly defined compliance indicators over time can reveal how a sector of federal facilities is performing with respect to individual environmental programs.

Table 1 provides the definitions of selected compliance indicators used by this *State of Federal Facilities* report to calculate compliance rates. Note that these rates only apply to the universe of facilities within the definitions in **Table 1**. For example, the RCRA indicator only applies to inspected TSDFs. It should not be applied as a measure of compliance for uninspected TSDFs, non-TSDFs (e.g., generators), or other RCRA programs (e.g., underground storage tank program).

Table 1
Definitions of Compliance Indicators for Federal Facilities

Statute	Compliance Indicator
RCRA	Percent of inspected federal TSDFs <u>not</u> in significant noncompliance (SNC) ⁵
CWA	Percent of NPDES major federal facilities <u>not</u> in SNC
CAA	Percent of major federal sources in compliance
SDWA	Percent of federal public water systems <u>not</u> in SNC
TSCA	Percent of inspected federal facilities <u>not</u> in SNC

Exhibit 12 presents compliance rates for five statutes based on the definitions of the indicators taken from **Table 1**. Pre-1999 rates were calculated in previous *State of Federal Facilities* reports. In this section, the rates are calculated for the federal sector as a whole (**Exhibit 12**) then calculated by federal agency category (i.e., DOD, DOE, and CFAs) for RCRA,

⁵ Beginning in FY 1999, programmatic changes to RCRAInfo no longer required tracking of Class I violations. Because previous *State of Federal Facilities* reports relied on the percentage of inspected TSDFs not cited for Class I violations as the RCRA compliance indicator, a new compliance indicator was developed for this report – the percent of inspected federal TSDFs not in SNC.

CWA, and CAA. Compliance rates for the entire federal sector are also compared with the non-federal (i.e., private) sector for RCRA, CWA, and CAA.

Exhibit 12 shows that from FY 1993 to FY 2000, RCRA compliance increased while CWA compliance declined. SDWA compliance fluctuated but remained high (above 90 percent), as did CAA compliance (between 84 and 90 percent). TSCA compliance has remained at 100 percent for the past six years.

Exhibit 12								
Federal Facility Compliance Rates for Selected Indicators								
Statute	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
RCRA	55.4%	61.6%	73.8%	75.1%	81.2%	88.2%	88.6%	93.6%
CWA	94.2%	88.5%	76.2%	73.0%	70.4%	61.5%	64.9%	67.5%
CAA	87.0%	87.9%	88.8%	87.4%	84.2%	88.9%	90.0%	87.9%
SDWA	99.2%	98.7%	93.0%	96.4%	97.1%	98.1%	98.2%	97.7%
TSCA	93.5%	87.5%	100%	100%	100%	100%	100%	100%

RCRA Compliance Rates

In FY 1999 and FY 2000, 211 and 204 federal TSDFs, respectively, were inspected. Of these, approximately 11 percent (24 of 211) and six percent (13 of 204) were determined to be in SNC. Therefore, the RCRA compliance rates (percentage of inspected TSDFs not in SNC) for FY 1999 and FY 2000 were 88.6 and 93.6 percent, respectively (**Exhibit 13**). Compliance rates for the non-federal universe of inspected TSDFs were approximately 81 and 79 percent (**Exhibit 14**).

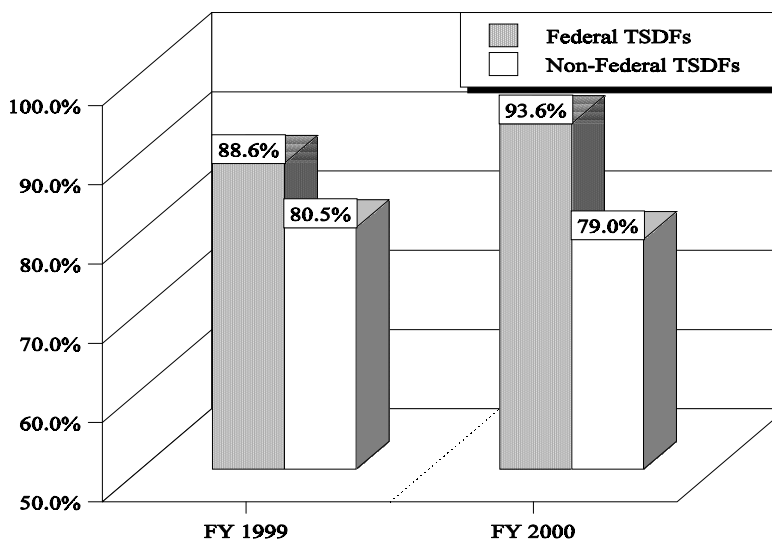
Exhibit 13
RCRA Compliance Rates by Federal Agency Category

Agency	FY 1999			FY 2000		
	Inspected TSDFs	TSDFs in SNC	TSDFs not in SNC	Inspected TSDFs	TSDFs in SNC	TSDFs not in SNC
DOD	168	15	153 (91.1%)	163	5	158 (96.9%)
CFAs	18	1	17 (94.4%)	16	0	16 (100.0%)
DOE	24	7	17 (70.8%)	23	7	16 (69.6%)
Other	1	1	0 (0.0%)	2	1	1 (50.0%)
Total	211	24	187 (88.6%)	204	13	191 (93.6%)

Exhibit 13 presents RCRA compliance rates according to federal agency category. Compliance rates at DOD facilities were 91 percent in FY 1999 and close to 97 percent in FY 2000. These rates were higher than the overall compliance rate for federal facilities. In FY 1999 and FY 2000, the CFA compliance rate was close to or at 100 percent. RCRA compliance rates at DOE facilities were considerably lower (71 and 70 percent) than the overall federal facility rate for both years. **Exhibit 14** shows the federal sector had a greater compliance rate than the non-federal (i.e., private) sector.

Exhibit 14

**Percentage of Inspected TSDFs not in SNC
(Federal vs. Non-Federal TSDFs)**



NPDES Compliance Rates

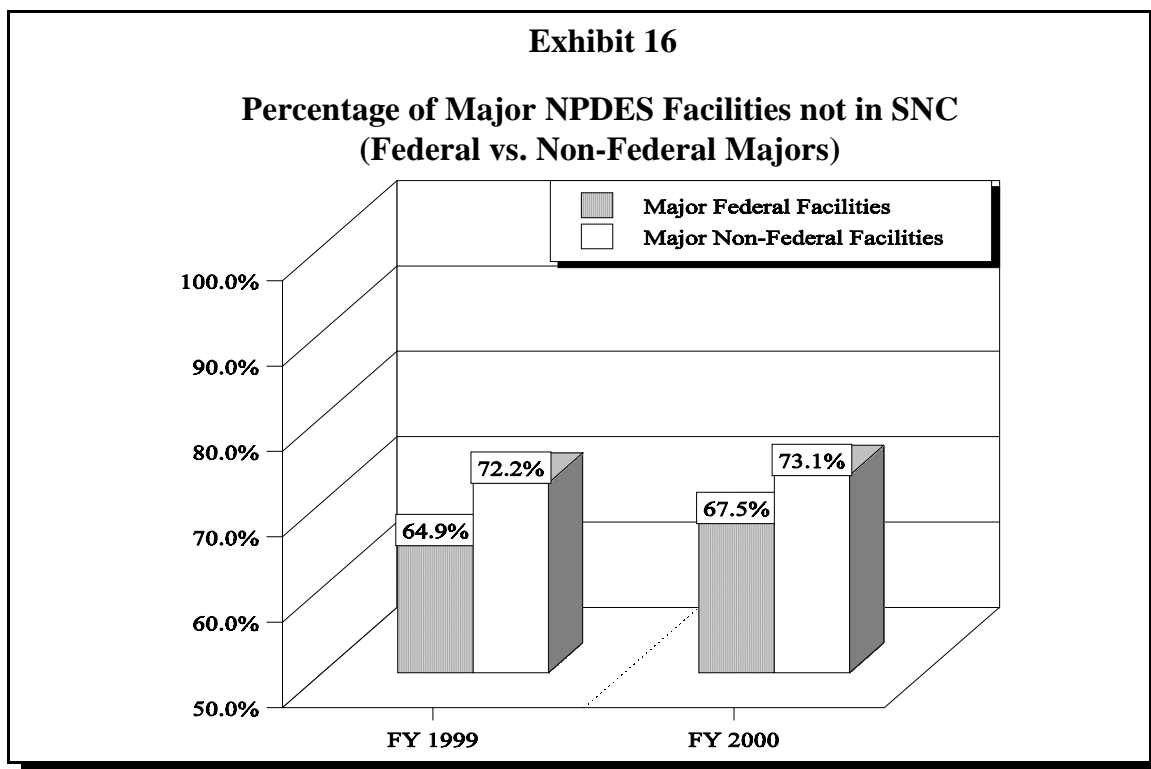
Under the CWA NPDES program, SNC is characterized by a violation of significant magnitude and/or duration to be considered among the EPA's priorities for review and/or response. The definition of SNC is EPA policy, which can change or evolve as the NPDES program changes. Beginning in FY 1998, the definition of SNC was expanded to encompass more categories of violations.

Exhibit 15 presents NPDES compliance rates by agency category for FY 1999 and FY 2000. Compliance rates at DOD facilities remained relatively constant and, as in previous years, below the overall compliance rate for federal facilities. Except for the small number of "other" federal facilities, for both years, CFA facilities had the highest compliance rates compared to overall rates. DOE facilities continued to have the lowest compliance rates (below 50 percent) relative to the other agency categories.

Exhibit 15
NPDES Compliance Rates by Federal Agency Category

Agency	FY 1999			FY 2000		
	Major Facilities	SNC	Not in SNC	Major Facilities	SNC	Not in SNC
DOD	74	26	48 (64.9%)	75	27	48 (64.0%)
CFAs	23	5	18 (78.3%)	24	3	21 (87.5%)
DOE	13	8	5 (38.5%)	13	7	6 (46.2%)
Other	1	0	1 (100.0%)	2	0	2 (100.0%)
Total	111	39	72 (64.9%)	114	37	77 (67.5%)

Exhibit 16 compares the percentage of major federal facilities not in SNC against the corresponding percentage for the universe of major non-federal NPDES facilities. In FY 1999, the percentage of major federal facilities not in SNC was almost 65 percent (72 of 111), roughly seven percent lower than for major non-federal facilities. In FY 2000, compliance rates for major federal facilities increased by nearly three percent (77 of 114), while major non-federal facilities experienced a more modest increase from 72 percent to 73 percent.



CAA Compliance Rates

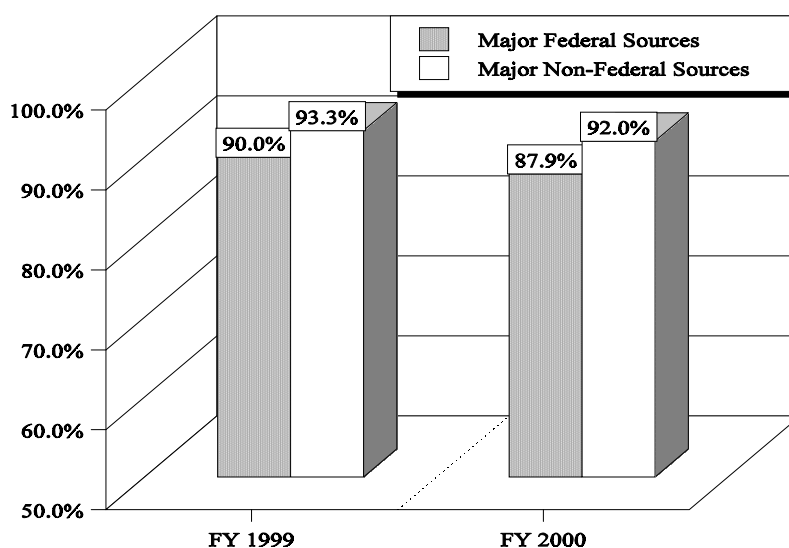
Under the CAA programs, sources that have exceeded emissions standards and/or violated procedural requirements (e.g., failed to meet a compliance schedule or failed to follow monitoring, recordkeeping, and reporting protocols) are deemed out of compliance. As shown in **Exhibit 17**, compliance rates were fairly consistent across agency categories during FY 1999 and FY 2000 – only six percent separated the agency category with the highest compliance rate (Other) from the agency category with the lowest rate (DOD).

Exhibit 17
CAA Compliance Rates by Federal Agency Category

Agency	FY 1999			FY 2000		
	Major Sources	Majors out of Compliance	Majors in Compliance	Major Sources	Majors out of Compliance	Majors in Compliance
DOD	296	32	264 (89.2%)	312	34	278 (89.1%)
CFAAs	173	16	157 (90.8%)	180	26	154 (85.6%)
DOE	34	3	31 (91.2%)	34	4	30 (88.2%)
Other	16	1	15 (93.8%)	12	1	11 (91.7%)
Total	519	52	467 (90.0%)	538	65	473 (87.9%)

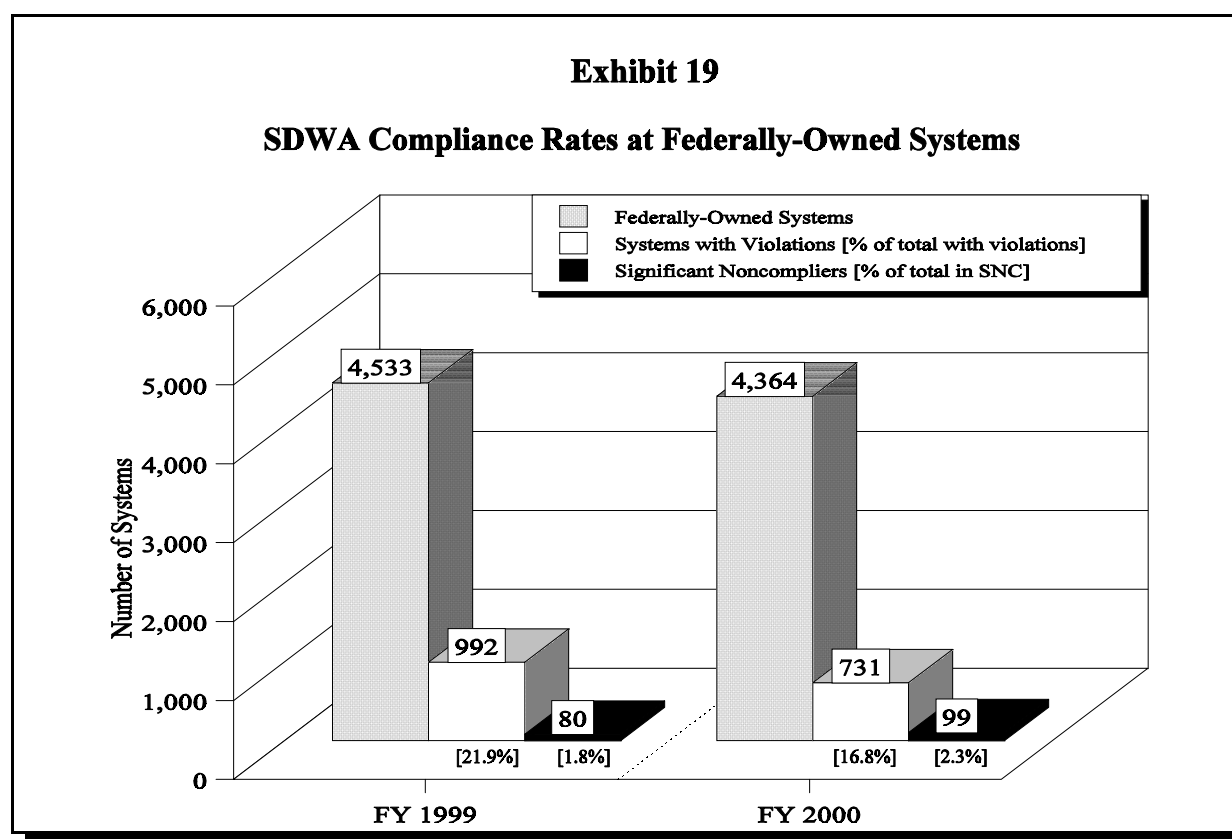
As shown in **Exhibit 18**, during FY 1999 and FY 2000, federal sources experienced lower compliance rates – 90 and nearly 88 percent – than the non-federal regulated community. CAA compliance rates for the same two years for major non-federal sources were just over 93 and 92 percent, respectively.

Exhibit 18
Percentage of CAA Major Sources in Compliance
(Federal vs. Non-Federal Sources)



SDWA/PWSS Compliance Rates

Under the SDWA/PWSS programs, water systems in SNC have more serious, frequent, or persistent violations. **Exhibit 19** shows the number of federally-owned public water systems cited for violations under SDWA, as well as the number of systems classified as SNC for more serious violations. The number of systems cited for violations decreased from 992 in FY 1999 to 731 in FY 2000. In contrast, SNC systems increased in both numerical (80 to 99) and percentage terms, from 1.8 percent in FY 1999 to 2.3 percent in FY 2000. The compliance indicator used for the SDWA is the percentage of systems not in SNC. Therefore, the compliance rate for federal systems overall decreased from 98.2 percent in FY 1999 to 97.7 percent in FY 2000. It was not possible to provide SDWA compliance rates by agency category.



TSCA, FIFRA, and EPCRA §313 Compliance Rates

EPA and the states did not find any inspected federal facilities to be in SNC with TSCA during FY 1999 or FY 2000. Therefore, compliance, defined as the percentage of inspected federal facilities not in SNC, was 100 percent for FY 1999 and FY 2000 (**Exhibit 20**). In fact, TSCA compliance at federal facilities has remained at 100 percent since FY 1995. **Exhibit 20** also presents compliance rates for inspected federal facilities under FIFRA and EPCRA §313. For FY 1999 and FY 2000, the compliance rates for federal facilities under both programs were

100 percent. However, the number of FIFRA and EPCRA §313 inspections at federal facilities has historically been low.

Exhibit 20
TSCA, FIFRA, and EPCRA §313 Compliance Rates

Statute	FY 1999		FY 2000	
	Inspections	Facilities not in SNC	Inspections	Facilities not in SNC
TSCA	30	30	22	22
FIFRA	2	2	2	2
EPCRA	4	4	3	3
Total	36	36 (100%)	27	27 (100%)

Documentation for Exhibits in this Section

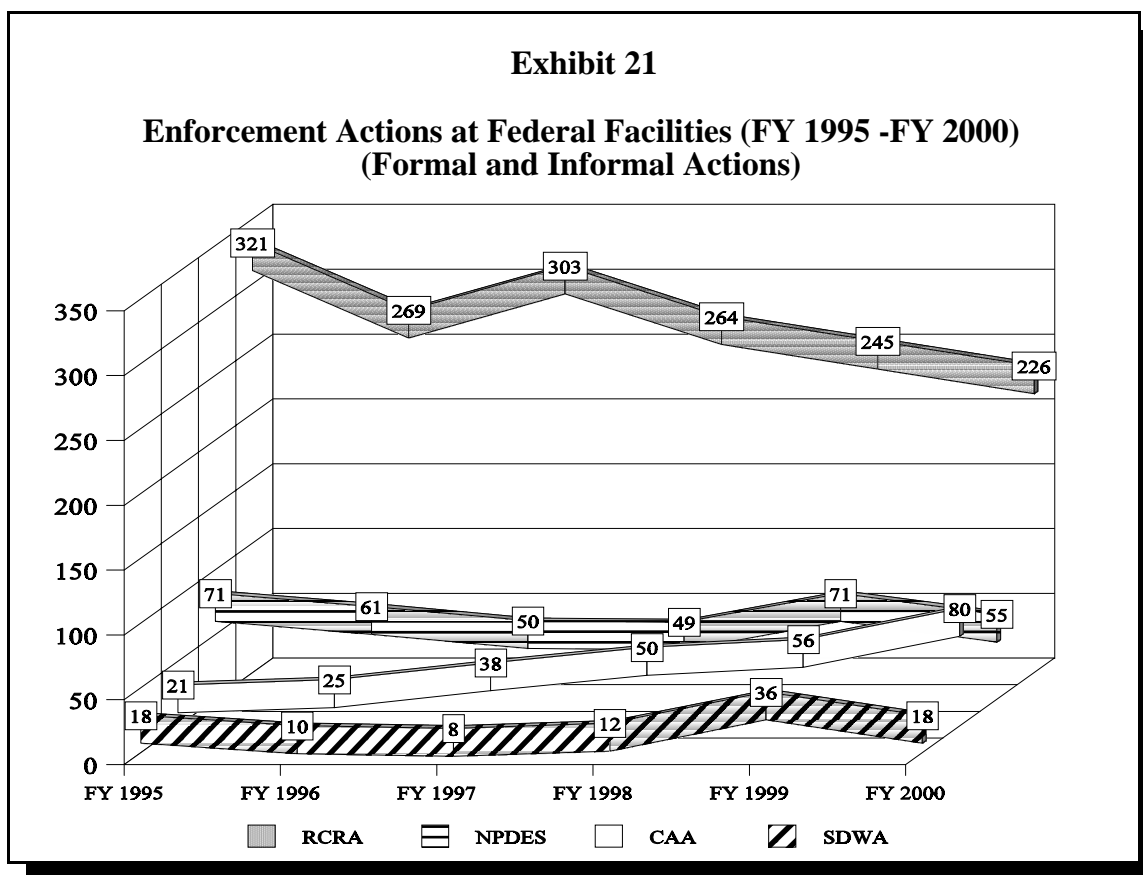
Exhibit Title	Information Source	Date of Data Pull	Comments
Federal Facility Compliance Rates for Selected Indicators	IDEA	Various	--
RCRA Compliance Rates by Federal Agency Category	IDEA	12/12/00 4/5/01	--
Percentage of Inspected TSDFs not in SNC	IDEA	12/12/00 4/5/01	--
NPDES Compliance Rates by Federal Agency Category	IDEA	3/21/00 11/28/00	--
Percentage of Major NPDES Facilities not in SNC	IDEA	3/21/00 11/28/00	--
CAA Compliance Rates by Federal Agency Category	IDEA	3/21/00 11/28/00	--
Percentage of CAA Major Sources in Compliance	IDEA	3/21/00 11/28/00	--
SDWA Compliance Rates at Federally-Owned Systems	SDWIS	12/22/00	--
TSCA, FIFRA, and EPCRA §313 Compliance Rates	IDEA	3/21/00 11/29/00	--

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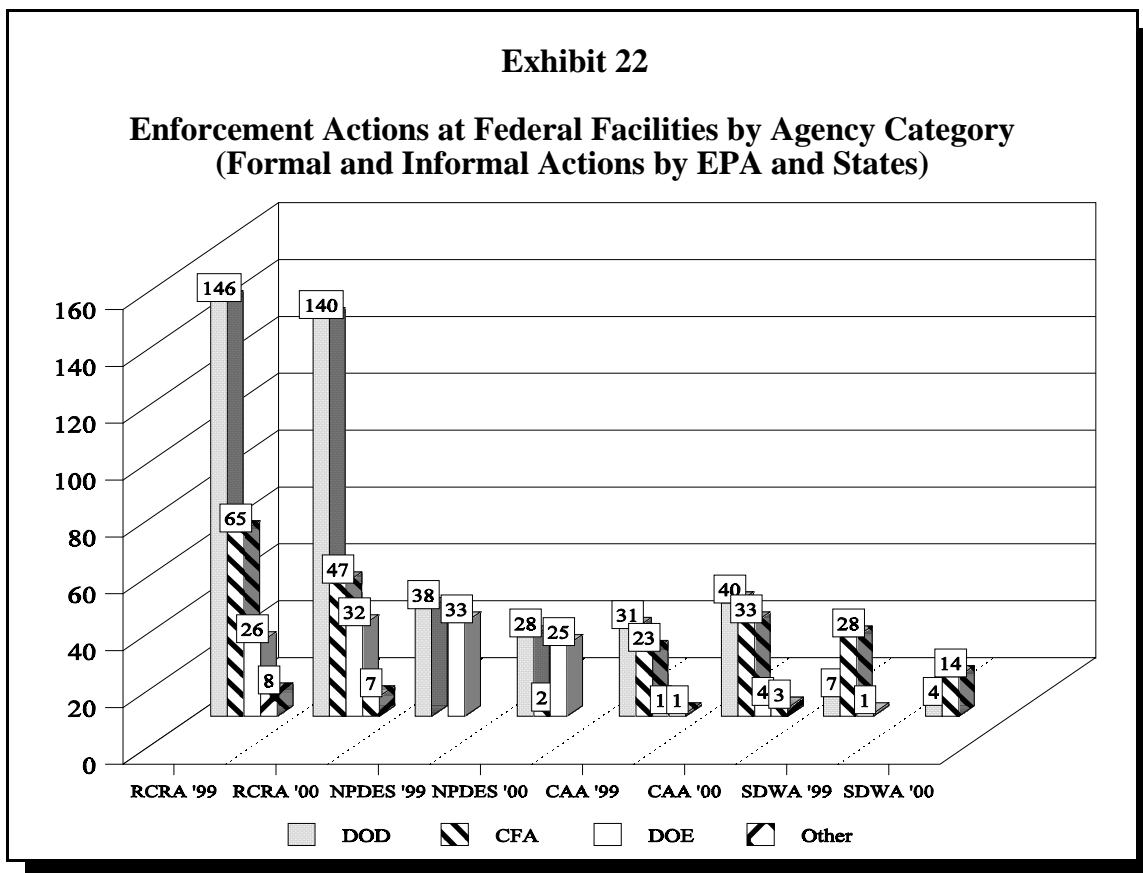
V. ENFORCEMENT ACTIONS

EPA and states issued 415 and 380 formal and informal enforcement actions against federal facilities in FY 1999 and FY 2000, respectively. RCRA enforcement actions remained the most common, comprising nearly 60 percent of enforcement actions at federal facilities. Together, NPDES and CAA actions accounted for more than 30 percent, while SDWA actions accounted for roughly nine and four percent of actions in FY 1999 and FY 2000, respectively. TSCA, FIFRA, or EPCRA §313 actions accounted for less than two percent of enforcement at federal facilities during FY 1999 and FY 2000.

Exhibit 21 shows the total number of EPA and state formal and informal enforcement actions at federal facilities for RCRA, NPDES, CAA, and SDWA since FY 1995. TSCA, FIFRA, and EPCRA §313 actions are not shown. RCRA enforcement actions have traditionally outnumbered actions under all other programs combined by a wide margin; however, this gap has narrowed recently, especially since FY 1997. At that time, the 303 RCRA enforcement actions accounted for approximately 76 percent of actions at federal facilities. With RCRA actions declining by more than 25 percent (303 to 226) and CAA enforcement actions, in particular, more than doubling (38 to 80) over the same period, the RCRA share of enforcement actions at federal facilities decreased to 60 percent.



As shown in **Exhibit 22**, for both FY 1999 and FY 2000, DOD facilities continued to receive the largest share (approximately 55 percent) of enforcement actions under all statutes except for SDWA.⁶ DOE's share of enforcement actions increased from nearly 15 percent to slightly more than 16 percent, while CFAs' share decreased from 28 percent to 25 percent from FY 1999 to FY 2000.



RCRA Enforcement

For RCRA, the percentage of state-led actions increased from 77 percent (188 of 245) in FY 1999 to 85 percent (192 of 226) in FY 2000. As shown in **Exhibit 23**, for FY 1999 and FY 2000, about 85 percent of enforcement actions taken against federal facilities were informal (e.g., warning letters, verbal warnings). Formal actions include: civil actions, consent decrees, federal facility compliance agreements (FFCAs), referrals to other enforcement authorities, notices of noncompliance, administrative orders, corrective action orders, and imminent hazard orders. The most commonly used formal enforcement action is the RCRA §3008(a) administrative penalty order; 71 percent (27 out of 38) and 53 percent (18 out of 34) of formal

⁶ It should be noted, however, that DOD's share of all enforcement actions declined by more than 10 percent relative to previous years (see FY 1995 - FY 1998 *State of Federal Facilities* reports).

enforcement actions taken in FY 1999 and FY 2000, respectively, were 3008(a) and 3008(h) administrative corrective action orders.

Exhibit 23
RCRA Enforcement Actions at Federal Facilities

Type of Action	FY 1999 Total	FY 2000 Total
EPA Informal	34 (13.9%)	16 (7.1%)
State Informal	173 (70.6%)	176 (77.9%)
EPA Formal	23 (9.4%)	18 (7.9%)
State Formal	15 (6.1%)	16 (7.1%)
All Enforcement Actions	245	226
Proposed Penalties	\$367,078	\$199,155
Final SEP Cost	\$2,915,847	\$0
Final Penalties Collected (excluding SEP costs)	\$403,522	\$38,000

Proposed RCRA penalties decreased from slightly more than \$367,000 in FY 1999 to slightly less than \$200,000 in FY 2000. Final penalties decreased by more than 90 percent, from roughly \$403,000 to \$38,000 over the same period. In addition, final supplemental environmental project (SEP) costs under RCRA declined from nearly \$3 million to zero over the same period.

NPDES Enforcement Actions

The number of enforcement actions taken to address NPDES noncompliance at federal facilities decreased from FY 1999 to FY 2000; however, enforcement activity remained above levels experienced during the previous two-year period (see FY 1997-98 *State of Federal Facilities* report). As shown in **Exhibit 24**, the share of informal enforcement actions (e.g., phone calls, warning letters, informal NOV's) increased from FY 1999 to FY 2000, as did the percentage of formal actions (i.e., FFCAs, administrative orders, and formal NOV's). The percentage of other state enforcement actions (e.g., unspecified pending actions and referrals) decreased from nearly 48 percent in FY 1999 to slightly less than 31 percent in FY 2000. State-led NPDES actions accounted for 90 percent (64 of 71) and 82 percent (45 of 55) for FY 1999 and FY 2000, respectively.

Exhibit 24
NPDES Enforcement Actions at Federal Facilities

Type of Enforcement Action	Number of Actions in FY 1999	Number of Actions in FY 2000
EPA Informal	1 (1.4%)	3 (5.5%)
State Informal	27 (38.0%)	22 (40.0%)
EPA Formal	6 (8.5%)	6 (10.9%)
State Formal	3 (4.2%)	6 (10.9%)
State Other	34 (47.9%)	17 (30.9%)
EPA Other	--	1 (1.8%)
TOTAL	71	55

CAA Enforcement

Continuing a recent upward trend in CAA enforcement actions, EPA and states issued 56 and 80 NOVs and administrative orders against federal sources during FY 1999 and FY 2000, respectively, for failure to comply with provisions of the CAA. The majority of these actions were NOVs (**Exhibit 25**). States took the lead on 73 percent (41 of 56) and 65 percent (52 of 80) of these enforcement actions. DOD sources received at least 50 percent, while CFA sources received more than 40 percent. DOE and other sources each received less than five percent of actions during FY 1999 and FY 2000.

Exhibit 25
CAA Enforcement Actions at Federal Facilities

Type of Enforcement Action	Number of Actions in FY 1999	Number of Actions in FY 2000
EPA Orders	10 (17.9%)	20 (25.0%)
State Orders	9 (16.1%)	12 (15.0%)
EPA NOVs	5 (8.9%)	8 (10.0%)
State NOVs	32 (57.1%)	40 (50.0%)
TOTAL	56	80

SDWA/PWSS Enforcement

Exhibit 26 shows that the total number of federal systems receiving formal enforcement actions decreased by 50 percent, from 36 in FY 1999 to 18 in FY 2000. EPA took the lead on 50 percent of SDWA actions (18 of 36) during FY 1999 and 56 percent (10 of 18) during FY 2000.

EPA formal actions include administrative orders and §1431 emergency orders, while state formal actions include administrative orders, bilateral compliance agreements, civil referrals, and criminal cases filed. Of the 18 formal enforcement actions issued by states in FY 1999, eight were bilateral compliance agreements and 10 were administrative orders, while the 18 EPA formal enforcement actions were administrative orders. In FY 2000, of the 18 formal enforcement actions issued, 10 were federal administrative orders. No federally-owned systems received civil referrals or had criminal cases filed against them during either year.

Exhibit 26
SDWA Enforcement Actions at Federal Facilities

Type of Enforcement Action	Number of Actions in FY 1999	Number of Actions in FY 2000
EPA Orders	18 (50.0%)	10 (55.6%)
State Orders	10 (27.8%)	7 (38.9%)
State Bilateral Compliance Agreements	8 (22.2%)	1 (5.5%)
TOTAL	36	18

TSCA, FIFRA, and EPCRA §313 Enforcement

There were seven enforcement actions taken at federal facilities under TSCA, FIFRA, and EPCRA §313 during FY 1999 and only one enforcement action during FY 2000. All of the actions were EPA-led and five of eight were issued for TSCA violations.

Documentation for Exhibits in this Section

Exhibit Title	Information Source	Date of Data Pull	Comments
EPA and State Enforcement at Federal Facilities (FY 1995 - FY 2000)	IDEA & Docket	Various	--
Enforcement Actions at Federal Facilities by Agency Category	IDEA & Docket	Various	--
RCRA Enforcement Actions at Federal Facilities	IDEA & Docket	3/21/00 4/2/01	--
NPDES Enforcement Actions at Federal Facilities	IDEA & Docket	3/21/00 1/27/01	--
CAA Enforcement Actions at Federal Facilities	IDEA & Docket	3/21/00 1/27/01	--
SDWA Enforcement Actions at Federal Facilities	SDWIS & Docket	12/22/00	--